FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

Criminal Application No. 2534/2006

Appeal	District :
Application No.	of 200
Writ petition	

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Shri. P.S. Patil, Adv. for applicant.

CORAM : B.R. Gavai, J.
DATED : August 11, 2006.

This is an application for grant of bail.

The applicant has been arrested in connection with Crime No. 9/2006 for the offences punishable under Sections 302, 201 of I.P.C.

The allegation of the prosecution is that on 5th February, 2006, the present applicant along with the deceased, went to Pardi. It is the further case of prosecution that on 10th February, 2006, body of deceased was found at Pardi and accordingly, F.I.R. came to be registered vide Crime No. 9/2006. It is further the prosecution case that Jayvantabai Kamble, the mother of the deceased, lodged a complaint that there was a quarrel between the applicant and the deceased and on this basis, the applicant came to be arrested on 3rd March, 2006.

Shri Adgokar, the learned A.P.P. vehemently opposed the application on the ground

that the circumstance of last seen together, recovery of dead body from the premises of the house of the deceased and recovery of stone allegedly used in the crime, point out the finger of the guilt towards the applicant and as such, he is not entitled for the release on bail.

However, it is seen that the investigation is complete, charge sheet is filed way back. The only evidence against the present applicant is in the nature of circumstantial evidence and as such there is no possibility of influencing the witnesses. The co-accused in the case are already released on bail.

In that view of the matter, I am inclined to allow the application.

The applicant is directed to be released in Crime No. 9/2006 on his furnishing bail bond in the sum of Rs. 25,000/- with one surety in the like amount. The applicant shall not make any attempt to tamper with the evidence or influence the witnesses. The applicant shall report to the Police Station Officer, Shirpur on first Sunday of every month.

JUDGE

RMP